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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KELLY JEAN O'LEARY,

Plaintiff,

vs.

KILOLO KIJAKAZI,¹
Acting Commissioner of Social Security,
Defendant.

) Case No.: 2:21-CV-00889-WGC
)
)
)
)

**UNOPPOSED MOTION FOR EXTENSION OF
TIME (FIRST REQUEST)**

¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted, therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

1 Defendant, the Commissioner of Social Security (the “Commissioner”), through the undersigned
2 counsel, hereby requests an extension of time to file his Cross-Motion to Affirm and Response to
3 Plaintiff’s Motion for Reversal and/or Remand in this case. In support of this request, the Commissioner
4 respectfully states as follows:

5 1. Primary responsibility for handling this case has been delegated to the Office of the
6 Regional Chief Counsel, Region IX, in San Francisco, California (the “Region IX Office”).

7 2. Defendant’s response to Plaintiff’s opening brief is currently due December 1, 2021.
8 Defendant has not previously requested an extension of time for this deadline.

9 3. The Region IX Office currently handles all district and circuit court litigation involving
10 the Social Security program arising in Arizona, California, Hawai‘i, Nevada, and Guam.

11 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively handling civil
12 litigation involving the Social Security program in the eight assigned jurisdictions. Most of the attorneys
13 who handle program litigation cases have additional responsibilities, such as litigating in other practice
14 areas described below, acting as Jurisdictional leads, reviewing the work product of junior attorneys,
15 conducting trainings, and participating in national workgroups. In addition, because of attorneys taking
16 unexpected leave or resigning, the Region IX Office has had to re-assign dozens of cases and substitute
17 in new counsel who have had to absorb these re-assigned cases into their existing caseloads.

18 5. In addition to “program” litigation, the Region IX Office provides a full range of legal
19 services as counsel for the Social Security Administration, in a region that covers four states (including
20 the most populous state in the nation) and three territories. These other workloads include employment
21 litigation; civil rights investigations; bankruptcy matters; and requests for legal advice on wide-ranging
22 topics, including Regional office client requests for advice on program issues, employee conduct and
23 performance, reasonable accommodation, hostile work environment, ethics, Privacy Act and disclosure,
24 and torts. Because of the high volume of program litigation cases, the Region IX Office has had to focus
25 its efforts on processing only other workloads that are subject to statutory, regulatory, and court
26 deadlines.

1 6. The undersigned of counsel attorney has 14 briefs due in district court cases over the next
2 month which must be reviewed by the undersigned Special Assistant United States Attorney prior to
3 filing with the Court.

4 7. Due to the volume of the overall workload within the Region IX Office, neither the
5 undersigned attorney nor another attorney in the Region IX Office anticipate being able to complete
6 briefing by the current due date of December 1, 2021. Therefore, Defendant seeks an extension of 30
7 days, until December 31, to respond to Plaintiff's motion.

8 8. This request is made in good faith and is not intended to delay the proceedings in this
9 matter.

10 9. On December 1, 2021, counsel for Defendant conferred with Plaintiff's counsel, who has
11 no opposition to this motion.

12 WHEREFORE, Defendant requests until December 31, 2021, to respond to Plaintiff's Motion for
13 Reversal and/or Remand.

14 Dated: December 1, 2021

Respectfully submitted,

15 CHRISTOPHER CHIOU
16 Acting United States Attorney

17 /s/ Chantal R. Jenkins
18 Chantal R. Jenkins
19 Special Assistant United States Attorney

Attorneys for Defendant

20 Of Counsel to Defendant
21 Bacilio Mendez II, CSBN 332719
22 Assistant Regional Counsel
23 Social Security Administration

IT IS SO ORDERED:

24 William J. Cobb
25 UNITED STATES MAGISTRATE JUDGE

26 DATED: December 2, 2021

CERTIFICATE OF SERVICE

I, the undersigned, am a citizen of the United States and am at least eighteen years of age. My business address is 160 Spear Street, Suite 800, San Francisco, California 94105. I am not a party to the above-entitled action. On the date set forth below, I caused service of **UNOPPOSED MOTION FOR EXTENSION OF TIME (*FIRST REQUEST*)** on the following parties by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which provides electronic notice of the filing:

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Attorney for Plaintiff

Dated: December 1, 2021

/s/ Chantal R. Jenkins
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